



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 8, 2013
Environment Committee

Testimony Submitted by Commissioner Daniel C. Esty
Presented By Deputy Commissioner Susan Whalen

Raised Senate Bill No. 1018 – AAC ENFORCEMENT OF ENVIRONMENTAL CONSERVATION LAWS

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 1018 – AAC Enforcement of Environmental Conservation Laws. The Department of Energy and Environmental Protection (DEEP) offers the following testimony.

We appreciate the Committee's willingness to raise this bill at the request of the DEEP. This proposal, which we strongly support, would 1) clarify environmental law enforcement ability for non-selective and injurious methods for wildlife capture by explicitly defining the term "snare" while allowing for the safe, wild capture of certain species; 2) provide an alternate, easily enforceable fine for violations concerning possession, importation or liberation of fish and certain aquatic invasive species, 3) remove an outdated exemption for violations of certain marine fisheries regulations from the requirements for suspension of hunting, fishing, and trapping privileges for violations of fisheries and wildlife laws, 4) clarify license requirements and applicability of fisheries regulations for those taking marine bait species or lobsters, and 5) update marking requirements for commercial fishing gear and boats engaged in commercial activities.

Section 1

The use of snares in capturing wildlife is addressed in several sections of Chapter 490 of the Connecticut General Statutes (CGS). However, as a snare is not defined, a wide array of devices, including both those that inflict injury and death as well as those designed as humane, species-selective alternatives are prohibited. This amendment will create a definition for what constitutes a snare – a looped cable device designed to inflict injury or death – and remove restrictions on devices tailored for use in suburban and urban settings.

Several northeastern states, including New Hampshire, New Jersey, Pennsylvania, Maryland, Delaware, and to a limited extent New York, allow the use of species selective, restraint devices for various uses including nuisance wildlife control.

Defining what constitutes a snare as a device designed to inflict injury or death would reduce the instances of unnecessary and avoidable capture and injury to domestic animals as well as targeted and non-targeted wildlife, while enabling more effective control of nuisance wildlife.

Sections 2 and 3

The introduction and spread of aquatic invasive species such as Asian carp and zebra mussels in Connecticut can harm the state's terrestrial and aquatic natural resources, and decrease the recreational, aesthetic and economic values of those resources. The possession, importation into the state, and liberation of vertebrate and invertebrate species are regulated under CGS 26-55. This proposal provides for an alternative fine for fish and species identified as invasive in regulations promulgated under CGS 26-55. The alternate fine is needed to enable the agency to enforce laws designed to prevent the introduction of invasive species. P.A. 09-198 increased the fine for violations of CGS 26-55 from an infraction to "a civil penalty not to exceed one thousand dollars." The legislative intent was to create a strong disincentive for illegal ownership of dangerous animals; however, it inadvertently rendered fish and invasive species regulations promulgated under CGS 26-55 unenforceable. The Office of the Attorney General has indicated to DEEP that they would typically not prosecute cases concerning prohibited fish species and invasive aquatic invertebrates such as zebra mussels as they pose no direct threat to human safety. Although education and outreach remain the primary tools to prevent the spread of unwanted/invasive organisms, this proposal will restore an easily enforceable deterrent when needed.

DEEP does note that the language of section 3 of this bill as currently written would require court appearances, and not allow for efficient payment of fines by mail as an infraction. Nor would the current language properly address multiple and continuing violations. To address these concerns, DEEP requests that the committee review a drafting change that we suggest for this section to remove lines 114 through 120 and replace that section as written with the following language:

Sec. 3. Section 26-55 of the general statutes is amended by adding subsection (e) as follows (*Effective from passage*):

(NEW) (e) Any person who imports or introduces into the state, or possesses or liberates live fish or aquatic nuisance invertebrates in violation of this section or any regulations adopted by the commissioner pursuant to this section shall be deemed to have committed an infraction and shall be fined ninety-five dollars. Importation, possession or liberation of each live fish or aquatic nuisance invertebrate shall be a separate and distinct offense and, in the case of a continuing violation each day of continuance thereof shall be deemed to be a separate and distinct offense.

Section 4

The agency is authorized under CGS 26-61 to suspend all hunting, fishing, and trapping licenses following convictions or payments of a fine for violations of fish and game laws and regulations. Currently, violations of regulations adopted under CGS 26-159a are exempt from the suspension requirements. Most of the marine fisheries creel/length limits and seasons are adopted under this section. However, since July, 2009, a marine recreational fishing license has been required. Additionally, new enforcement concerns, such as the commercialization of blackfish by recreational anglers have developed. Removing this exemption would provide for consistency in penalties between the Inland and Marine districts and make available to the agency a necessary deterrent (suspension of licenses) to violators of marine sport fishing regulations, providing more effective management of the resource.

Sections 5 and 6

A marine waters recreational fishing license requirement was adopted in 2009 (PA 09-173) and this amendment clarifies that a marine waters license is required to use certain seines, nets and traps to take bait species and other species for personal use in the marine district. This ensures that licensing requirements for taking bait species in the marine district are consistent with those for taking bait species in the inland district. Additionally, this amendment would enhance law enforcement and conservation efforts by requiring finfish taken incidentally under a personal use lobster pot license to conform to sport fishing length limits and seasons adopted under CGS 26-159a. Presently the law only requires conformance to sport fishing creel limits.

Sections 7, 8 and 9

Currently, requirements for marking commercial fishing gear are set by CGS 26-143a. This proposal shifts the determination of marking requirements from statute to regulation. Repealing the existing requirements would facilitate full online licensing and reduce agency administrative costs associated with providing commercial fishing vessel "flags" and metal tags for certain fishing gear. The proposed regulatory authority to specify commercial fishing vessel and gear markings under CGS 26-159a would provide greater flexibility to determine the appropriate size and type of marking needed across the broad range of vessel sizes and gear types now in use.

In summary, the DEEP strongly supports this bill as it would greatly improve the DEEP's ability to enforce marine sport fishing, commercial fishing, party and charter fishing boat regulations, enhance the DEEP's ability to prevent the introduction or spread of aquatic invasive species and the enforceability of fish possession and stocking regulations, reduce DEEP administrative costs, further facilitate full online licensing and allow for greater enforcement of snares aimed at injuring or killing animals.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 860-424-3401 or Robert.LaFrance@ct.gov.

